



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 63	Assembly Amendment 2
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Assembly Bill 63

Assembly Bill 63 amends the Wisconsin Fair Employment Act (WFEA) to provide that employment discrimination based on creed specifically includes discriminating against any licensed pharmacist in a manner prohibited by the WFEA on the basis of the pharmacist's refusal to dispense a prescribed drug or device because the pharmacist believes that the drug or device would be used for any of the following:

1. Causing an abortion, as defined in current law.
2. Causing the death of any person, if the pharmacist consults with the practitioner who prescribed the drug or device before the pharmacist makes the refusal.

In addition, the bill amends the law governing the practice of pharmacy by providing that no pharmacist may be required to dispense or prescribe a drug or device if the pharmacist has reason to believe the drug or device would be used for the two purposes identified above. The bill also provides that such a refusal by a pharmacist may not be the basis for either a claim for damages against the pharmacist or his or her pharmacy, or disciplinary action by the Pharmacy Examining Board or the Department of Regulation and Licensing against the pharmacist.

Assembly Amendment 2

As noted above, the WFEA changes in the bill protect the pharmacist who "believes" that the requested drug or device would be used in a certain way. The changes in the pharmacy regulations in the bill apply when a pharmacist "has reason to believe" drugs or devices will be used in a certain way. Assembly Amendment 2 deletes the term "believes" in the portion of the bill dealing with the WFEA and substitutes the phrase "has reason to believe." Thus, with the adoption of Assembly Amendment 2, the bill's protections would apply to a refusal by a pharmacist who "has reason to believe" that a drug or

device would be used in certain ways under both the WFEA modifications and the modifications to the pharmacy regulations.

Legislative History

Assembly Amendment 2 was introduced by Representative Owens. It was recommended for adoption by the Assembly Committee on Labor on May 14, 2003 on a vote of Ayes, 7; Noes, 1.

The bill was recommended for passage, as amended, on a vote of Ayes, 6; Noes, 2.

RJC:tlu:ksm;jal